

DEPARTMENT OF SOCIAL SERVICES

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January 23, 1986

ALL COUNTY LETTER NO. 86-10

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPACT OF SHAW vs. McMAHON LUMP-SUM PAYMENT ON REFUGEE
DEMONSTRATION PROJECT (RDP) RECIPIENTS

REFERENCE: ALL-COUNTY LETTER NO. 85-25 and 85-92

We have been asked by several counties if RDP recipients who become ineligible for Federal RDP because of a lump-sum payment can receive State-only AFDC-U as a result of the Shaw vs. McMahon case. The answer is yes.

The court order in the Shaw case requires SDSS to stop applying State regulation MPP 44-207.4, the Federal lump-sum income rule, to the State-only AFDC-U program. The SDSS is prohibited from denying State-only AFDC-U benefits to persons who are Federally ineligible because of a lump-sum payment.

Since RDP is for refugees who would normally be eligible for Federal AFDC, they must be given State-only AFDC when a lump-sum payment makes them ineligible for RDP, just as if they had been on Federal AFDC and received a lump-sum payment. Therefore, if the RDP recipient receives a lump-sum payment rendering him ineligible for RDP, he may apply for and be eligible to receive State-only AFDC-U.

If you have any further questions, please contact Ms. Laura Williams, Chief, Refugee Support Management Bureau at (916) 322-3141.

Carl B. Williams

CARL B. WILLIAMS
Deputy Director
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cc: CWDA
ORR - SF